

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARSHALL A. KHAN,

Plaintiff,

V.

ANDREW SAUL, Commissioner of Social Security,

Defendant.

Case No. 2:21-cv-00003-KJD-VCF

ORDER ADOPTING AND AFFIRMING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

ANDREW SAUL, Commissioner of Social Security,

Before the Court for consideration is the Report and Recommendation (ECF #8) containing the findings and recommendations of Magistrate Judge Cam Ferenbach entered January 25, 2021, recommending that Plaintiff's motion to proceed in forma pauperis be denied and the case administratively closed. Plaintiff did not file an objection but filed multiple documents in opposition to the report and recommendation, including a Petition for Judicial Review (ECF #10), Motion for Exclusive Rights (ECF #11), Motion for Estoppel against the Government (ECF #12), and Motion for Entry of Clerk's Default Judgment (ECF #15).

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation (ECF #8) containing the findings and recommendations of Magistrate Judge Ferenbach, entered January 25, 2021, should be **ADOPTED** and **AFFIRMED**. Plaintiff argues that the magistrate judge may not participate in the litigation because Plaintiff did not consent to a magistrate judge hearing his case. “Pursuant to 28 U.S.C. § 636(b), a magistrate is authorized to prepare a report and recommendation that disposes of a claim or defense, and no consent of the parties is necessary.” Venegas v. United States, No. 89-55026, 921 F.2d 282, at *1 (9th Cir. 1990) (unpublished). The magistrate judge properly submitted a report and recommendation that this Court reviewed in making its determination.

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1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
2 Recommendation (ECF #8) is **ADOPTED** and **AFFIRMED**.

3 IT IS FURTHER ORDERED that all remaining motions are **DENIED** as moot.

4 IT IS FINALLY ORDERED that the case be administratively closed.

5 Dated this 23rd day of February, 2021.

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8 Kent J. Dawson
United States District Judge

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